

Vestal, NY  
Aquifer District  
Mr. Gary Campo  
Town Engineer  
(607)748-1514  
Zoning Ordinance  
Adopted 1983  
Revised 1990

## ARTICLE VI. OVERLAY DISTRICTS DIVISION 1. GENERALLY

Secs. 24~01-24~515. Reserved. DIVISION 2. AQUIFER DISTRICT

Sec. 24~516. Definitions

The following words, terms and phrases, when used in this division, shall have the meanings

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ascribed to them in this section, except where the context clearly indicates a different meaning:

Aquifer district map means the. official map adopted by the town and delineated to indicate that area of the town where the aquifer and water supply is or may reasonably be in the future in the town..

Development means any manmade change to improved or unimproved real estate, including, but not limited to, the construction of buildings, reconstruction of buildings, dredging, filling, grading, construction of tanks or other storage facilities, pumps, pumping stations, waste treatment facilities, commercial excavation, dumping or land: fill operation.

Discharge means release by any means to the surface of the ground, surface waters, groundwater, or below ground.

Toxic or hazardous material means any substance, solution or mixture thereof, whether in solid, liquid or gaseous state, which because of its quality, concentration, physical, chemical or infectious characteristics may present a potential hazard to human health or drinking water supply quality if discharged to the surface of the land or to the aquifer in the town. This includes, but is not limited to the list of hazardous substances found in part II, title 40 of the Code of Federal Regulations as now enacted or hereinafter amended; acids and alkalines beyond the pH range of 6.5-8.5; heavy metal wastes and solutions; petroleum products, including fuels and waste oil; organic solvents and any solid materials which, if exposed to water, will partially dissolve, forming a toxic or hazardous material.  
(Code 1966, ° 44-XI-22(B))

Cross reference-Definitions and rules of construction generally, ° 1-2.

Sec. 24-517. Purpose and intent.

The purpose and intent of the aquifer district is to minimize the potential for contamination of the aquifer which currently supplies or in the future may supply water to the residents of the town. These areas are set forth in the aquifer district map established by the town. In promoting the general intent of this division the special intent is:

- (1) To minimize surface and ground water pollution which may affect human, animal or plant life of the aquifer in the town.
- (2) To minimize impacts from truck traffic in this area carrying hazardous chemicals.
- (3) To protect human life and health, control uses in this district for the storage of materials, structures, discharges and uses of premises~.
- (4) To promote the general health, welfare and safety.  
(Code 1966, ° 44-XI-22(A))

Sec. 2~518. Special permits.

(a) Require~ Any use of property within the aquifer district shall be permitted only upon obtaining a special permit from the town board when the use meets or exceeds any of the following criteria:

- (1) Any development, other than residential, of real property exceeding fifty thousand dollars (\$50,000.00) in development cost.
  - (2) Any use of property or change of use of property or any business, industrial or municipal operation which uses, distributes, or stores toxic or hazardous chemicals when the storage or use exceeds fifty-five (55) gallons per month or five hundred (500) pounds, whichever is less.
  - (3) Any activity requiring a permit from the state department of environmental conservation.
  - (4) The drilling of any new well.
- (1)) Application~ Applicants for a permit to develop in an aquifer district shall submit the following:
- (1) The name, address and telephone~ number of the applicant.
  - (2) If the applicant is a corporation, the names, addresses and telephone numbers of all the

corporate officers and directors.

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(3) A map and report showing the location of the premises for which the permit is sought and plans prepared by a licensed professional engineer or architect showing all features of the system necessary for the satisfactory conveyance, storage, distribution, use and disposal of sanitary wastes, storm-water wastes, process wastes, toxic or hazardous wastes, and incidental wastes within the property boundaries of the business or commercial establishment.

(4) When storage or use exceeds five hundred (500) gallons per month or five thousand (5,000) pounds, whichever is less, the applicant shall also provide provisions for an impermeable membrane to contain any Potential spills, or such other protection as the town board deems appropriate.

(5) Such other information as the town board requests in order to have all facts before it prior to making the decision.

(6) Copies of any permits and applications to any other governmental agency.

(7) A list of all toxic chemicals or hazardous materials known to be used or stored on the premises, together with sufficient detail to appraise the town board of the method of storage and the amount of toxic or hazardous materials on the premises.

(8) The method of disposal of toxic or hazardous materials.

(9) A full report regarding the use and storage of all toxic and all hazardous materials.

Public hearing. A public hearing shall be held in regard to granting of the permit and notice of the public hearing in regard to the granting of the permit shall be published in the official town newspaper no earlier than twenty (20) days and no later than ten (10) days before the date of such public hearing. All uses subject to a special permit, unless such uses are by governmental entities, shall nevertheless be subject to the public hearing requirements of this subsection, and shall file an environmental assessment form which shall be reviewed by the town board in accordance with the provisions of chapter 6, article II of this Code.

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(d) Issuance of permit The town board may grant the permit, deny the permit or grant the permit with stated conditions. In the event that a permit is granted, or granted with stated conditions, it shall be a requirement that the applicant shall use the best available means to prevent contamination of the aquifer district. This requirement shall be a continuing requirement, and the town board shall maintain continuing jurisdiction and shall have the power and authority

to require the applicant to make such provisions as are necessary to update the development or facilities in order that it may be used in accordance with the then prevailing state of technology.

(e) Change in use or ownership. A change in use or ownership shall necessitate a new permit. (Code 1966, ° 44-XI-22(C)(G); L.L. No.7 of 1989, ° 1)

Secs. 24-519-24-530. Reserved.

### DIVISION 3. PLANNED DEVELOPMENT DISTRICT

Sec. 24-531. Generally.

A residential commercial or industrial planned development district or combination thereof may be established in any district of the town for the purpose of promoting integrated site planning of tracts of land ten (10) acres or more in area. Establishment of a planned development district shall be by amendment to this chapter in accordance with the procedure in this division. This division is applicable to planned development districts. (Code 1966, ° 44-XW-1)

Sec. 24-532. Procedure for establishment of district.

(a) Application; form and content Written application for the establishment of a planned development district shall be filed with the administrative officer. The application shall be accompanied with the following information:

- (1) The location, size and boundaries of the proposed district.
  - (2) The proposed use or uses of the district.
  - (3) The present zoning classification of the designated area and all adjoining property within two hundred (200) feet.
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(4) The location of private or public rights-of way, encumbrances, and easements bounding and intersecting the designated areas.

(5) A site plan to the scale of one (1) inch equals fifty (50) feet, or larger, showing use, location and dimensions of buildings; the location and dimensions of open spaces; streets and

other vehicular circulation of storage~ areas; and an indication of which rights-of-way, encumbrances and easements, if any, are to be continued, relocated or abandoned.

(6) A storm drainage plan, including connections to an existing storm drainage facility or, in lieu thereof, an alternate plan sufficient to provide adequate, suitable, proper and safe storm drainage, subject to the approval by the town engineer.

(7) Such additional information as may be required by the town planning board or the town board.

(1)) Action of the town planning board~ The town planning board may approve, approve with stated conditions or disapprove an application for a zoning amendment and shall file a written report of its decisions with the town board. In reaching its decision the town planning board may recommend any conditions or restrictions upon the location, construction or use or operation of the district as it shall deem necessary in order to secure the general objectives of this chapter.

Action by the town board When amended, the planned development district site plan and other specifications and conditions shall become a part of the amendment.

(Code 1966, ° 44-XW-2)

Sec. 24-533. Fee.

A fee of thirty dollars (\$30.00) shall be paid upon the filing of each application for a planned development district.

(Code 1966, ° 44-XW-6)

Sec. 24-534. Permitted uses.

Uses shall be limited to those approved by the town board. The town board may approve any use